

BOYAMIAN LAW, INC.

MICHAEL H. BOYAMIAN, SBN 256107

ARMAND R. KIZIRIAN, SBN 293992

HEATHER M. ZERMENO, SBN

550 North Brand Boulevard, Suite 1500

Glendale, California 91203

Telephone: (818) 547-5300

Facsimile: (818) 547-5678

E-mail: michael@boyamianlaw.com,

armand@boyamianlaw.com,

heather@boyamianlaw.com

Attorneys for Plaintiff John Ornelas,

Individually and On Behalf

of All Others Similarly Situated

AKIN GUMP STRAUSS HAUER & FELD LLP

GREGORY W. KNOPP (SBN 237615)

JONATHAN S. CHRISTIE (SBN 294446)

VICTOR A. SALCEDO (SBN 317910)

1999 Avenue of the Stars, Suite 600

Los Angeles, CA 90067-6022

Telephone: 310.229.1000

Facsimile: 310.229.1001

gknopp@akingump.com

christiej@akingump.com

vsalcedo@akingump.com

Attorneys for Defendant

Tapestry, Inc.

(Additional Counsel Listed on Following Page)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN ORNELAS, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

TAPESTRY, INC., a Maryland
Corporation; and DOES 1 through 25,
inclusive,

Defendants.

Case No. 3:18-cv-06453-WHA

Assigned to the Hon. William Alsup

CLASS ACTION

**JOINT STATEMENT RE: TRIAL
DATE AND SETTLEMENT;
~~[PROPOSED]~~ ORDER**

LAW OFFICES OF THOMAS W. FALVEY

THOMAS W. FALVEY, SBN 65744

550 North Brand Boulevard, Suite 1500

Glendale, California 91203

Telephone: (818) 547-5200

Facsimile: (818) 500-9307

E-mail thomaswfalvey@gmail.com

Attorneys for Plaintiff John Ornelas,
Individually and On Behalf
of All Others Similarly Situated

1 Pursuant to the Court's Notice and Order Re Trial Date dated October 18, 2021,
2 Plaintiff John Ornelas ("Plaintiff") and Defendant Tapestry, Inc. ("Defendant", with
3 Plaintiff, the "Parties"), by and through their counsel of record, jointly submit this
4 statement concerning trial scheduling and the Parties' settlement.

5 On September 7, 2021, the Parties attended a settlement conference with
6 Magistrate Judge Joseph C. Spero. The Parties reached a settlement in principle of all
7 of their claims and have now finalized their long-form settlement agreement. *See* Dkt.
8 No. 75, Zoom Civil Minutes dated September 7, 2021 issued by Magistrate Judge
9 Spero.

10 Because this settlement involves the resolution of a certified class's claims,
11 Plaintiff shall move for Court approval of the settlement pursuant to Federal Rules of
12 Civil Procedure, Rule 23(e) once the long-form settlement agreement is executed.
13 Plaintiff anticipates filing his Motion for Preliminary Approval of Class Action
14 Settlement in the first half of November.

15 Trial in this matter is presently set to begin on December 6, 2021. Based upon the
16 Parties' settlement and the Court's request to move the trial date, the Parties propose and
17 request that the Court vacate the trial, the final status conference, and all related
18 deadlines entirely, and instead order Plaintiff to file his Motion for Preliminary
19 Approval of Class Action Settlement by November 11, 2021 with a hearing date of
20 December 16, 2021. Alternatively, the Parties request that the Court continue trial, the
21 final status conference, and all related deadlines for approximately ninety days to allow
22 the Motion for Preliminary Approval to be heard by the Court before the Parties expend
23 significant resources preparing for trial.

24 Finally, the Parties note that their counsel is based in Los Angeles while the Court
25 is likely to hold an in-person hearing in San Francisco for Plaintiff's forthcoming
26 Motion for Preliminary Approval of Class Action Settlement. The Parties note that the
27 Court typically hears motions at 8:00 a.m. on the 2nd and 4th Thursday of each month.
28

If it is not burdensome for the Court, the Parties would like to request an 11:00 a.m. hearing time (or anytime later in the day), the time during which the Court ordinarily holds its Case Management Conferences. If the Court is able to accommodate the Parties in this way, the Court will assist the Parties in minimizing costs, namely, by allowing same day travel to and from San Francisco, instead of counsel staying overnight in the city the prior evening for an 8:00 a.m. hearing.

Dated: October 22, 2021

**BOYAMIAN LAW, INC.
LAW OFFICES OF THOMAS W. FALVEY**

By /s/ Armand R. Kizirian
Michael H. Boyamian
Armand R. Kizirian**
Thomas W. Falvey
Attorneys for Plaintiff John Ornelas

Dated: October 22, 2021

**AKIN GUMP STRAUSS HAUER &
FELD LLP**

By /s/ Jonathan S. Christie
Gregory W. Knopp
Jonathan S. Christie
Victor A. Salcedo
Attorneys for Defendant Tapestry, Inc.

**Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatory above.

~~PROPOSED~~ ORDER

Having considered the Parties' Joint Statement Re: Trial Date and Settlement, and good cause appearing, the Court hereby orders as follows:

- (1) The final status conference, set for December 1, 2021 at 2:00 p.m., is hereby vacated;
- (2) Trial, set to begin on December 6, 2021 at 8:00 a.m., is hereby vacated;
- (3) All trial and final status conference related filing deadlines are hereby vacated; and
- (4) Plaintiff is ordered to file his Motion for Preliminary Approval of Class Action Settlement by November 11, 2021 with a hearing date set for December 16, 2021 at 11:00 a.m., *instead of the usual motion hearing time of 8:00 a.m.*

IT IS SO ORDERED.

DATED: October 22, 2021



THE HON. WILLIAM H. ALSUP
Judge of the Northern District of California